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08 UNITED STATES DISTRICT COURT  
09 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, ) Case No. CR99-0320-1R-RSM-JPD  
11 )  
12 Plaintiff, )  
13 )  
14 v. ) SUMMARY REPORT OF U.S.  
15 ) MAGISTRATE JUDGE AS TO  
16 HUY T. TON, ) ALLEGED VIOLATIONS  
17 ) OF SUPERVISED RELEASE  
18 Defendant. )  
19 \_\_\_\_\_ )

20 An initial appearance on a petition for violation of supervised release in this case was  
21 scheduled before me on October 4, 2005. The United States was represented by Assistant United  
22 States Attorney Carl Blackstone, and the defendant by Mr. Peter Camiel. The proceedings were  
23 recorded on cassette tape.

24 Defendant had been sentenced on or about November 5, 1999, by the Honorable Barbara  
25 Jacobs Rothstein, on charges of bank fraud, in violation of 18 U.S.C. § 1344, and received a  
26 sentence of 5 years imprisonment, followed by 5 years of supervised release, and 5 months of  
electronically-monitored home detention.

Defendant's supervised release began on April 13, 2000, with conditions imposed  
including requirements that defendant comply with all local, state, and federal laws, and with the  
standard conditions of supervision. Other special conditions included participation in a mental

01 health program, financial disclosure, restitution, prohibition of firearms, mandatory drug testing,  
02 search, prohibition of gambling, attendance at Gambler's Anonymous meetings as directed,  
03 maintaining a single checking account, disclosure of business documents, disclosure of all assets  
04 and liabilities, and no identification in any other name than his own.

05 In a Petition for Warrant or Summons dated April 1, 2002, October 3, 2005, U.S.  
06 Probation Officer Brian Facklam alleged the following violations of defendant's supervised  
07 release:

08 1. Failing to report as directed on May 8, 11, and 17, 2001, and March 22, 2002, in  
09 violation of standard condition No. 2.

10 2. Failing to submit a truthful and complete written report within the first five days  
11 of each month for the months of August 2001, and January, February, and March 2002, in  
12 violation of standard condition No. 2.

13 3. Failing to work regularly at a lawful occupation in violation of standard condition  
14 No. 5.

15 4. Failing to pay restitution as directed in violation of special condition of  
16 supervision No. 7.

17 5. Failing to maintain a single checking account in his name in violation of special  
18 condition No. 9.


19 The defendant was advised in full as to those charges and as to his constitutional rights.

20 The defendant admitted to violations Nos. 1, 2, and 4, and waived any evidentiary  
21 hearing as to whether they occurred. Violations Nos. 3 and 5 were dismissed.

22 I therefore recommend the Court find defendant violated his supervised release as alleged,  
23 and that the Court conduct a disposition hearing as to violations Nos. 1, 2, and 4, to be held on  
24 October 14, 2005, at 10:00 a.m., before the Hon. Ricardo S. Martinez.

25 Pending a final determination by the Court, defendant has been released subject to the  
26 provisions of his supervised release.

01 DATED this 4th day of October, 2005.

02   
03 JAMES P. DONOHUE  
04 United States Magistrate Judge

05 cc: District Judge: The Hon. Ricardo S. Martinez  
06 AUSA: Mr. Carl Blackstone  
07 Defendant's attorney: Mr. Peter Camiel  
08 Probation officer: Mr. Brian Facklam.  
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